



**DEPARTMENT OF LABOR & INDUSTRIAL RELATIONS**  
*Partners with Missouri's Workplace*

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## **Commission on Human Rights**

### **Pre-Employment Inquiries**

What questions should and should not be asked during a pre-employment interview?

While it is an employer's right to establish job-related requirements and to seek the most qualified applicant for a job, inquiries about race, sex, disability, etc. usually aren't relevant to an applicant's qualifications and aren't legitimate. Only those inquiries necessary to determine an applicant's qualifications and eligibility for employment, that is, job-related inquiries, should be made during job interviews.

Any pre-employment inquiries which express any limitation, specification or preference due to race, color, religion, national origin, sex, ancestry, disability or age violate the Missouri Human Rights Act unless they are based upon a bona fide occupational qualification.

Information obtained through application forms and interviews is presumed to be used by employers in making hiring and work assignment decisions. For this reason, only those inquiries necessary to determine the applicant's qualifications and eligibility for employment should be made.

The following examples are provided to help you understand what types of inquiries are acceptable and what types are inadvisable under the Act. The list is not exhaustive and there may be exceptions.

	<b>Acceptable</b>	<b>Inadvisable</b>
<b>Race or Color</b>	<b>None unless required for an EEO reporting process on a form separate from the application.</b>	<b>Applicant's race or color of applicant's skin.</b>
<b>Arrest Record</b>	<b>None, unless job related.</b>	<b>Number and kinds of arrest.</b>
<b>Conviction Records</b>	<b>Inquiry into actual convictions if substantially related to applicant's ability to perform a specific job.</b>	<b>Inquiries about convictions unrelated to job requirements.</b>
<b>Military Service</b>	<b>Military experience or training if job related.</b>	<b>Type or condition of discharge. Inquiry into military service of another country.</b>
<b>Credit Records</b>	<b>None, unless job related.</b>	<b>Inquiries about charge accounts, credit rating, including bankruptcy or garnishments.</b>

<b>Religion</b>	<b>None, except where religion is a bona fide occupational qualification.</b>	<b>Applicant's religious affiliation, church, parish, or religious holidays observed.</b>
<b>Availability for Work on Weekends or Evenings</b>	<b>If asked of all applicants and it is a business necessity for the person to be available to work weekends and/or evenings.</b>	<b>Any inquiry about religious observance.</b>
<b>References</b>	<b>Names of professional and/or character references.</b>	<b>Name of applicant's pastor or religious leader.</b>
<b>National Origin</b>	<b>None, except where national origin is a bona fide occupational qualification.</b>	<b>Applicant's lineage, ancestry, national origin, descent, parentage, or nationality of applicant, applicant's parent or spouse.</b>
<b>Birthplace &amp; Residence</b>	<b>Applicant's place of residence, length of applicant's residence in Missouri and/or city where employer is located.</b>	<b>Birthplace of applicant, parents, or other relatives; birth certificate, naturalization or baptismal certificate prior to hiring.</b>
<b>Language</b>	<b>Languages applicant speaks or writes fluently if job related.</b>	<b>Applicant's mother tongue, language used by applicant at home, how applicant acquired the ability to read, write or speak a foreign language.</b>
<b>Name</b>	<b>Whether applicant has worked under a different name where necessary to permit a check of work or education records.</b>	<b>The original name of an applicant whose name has been legally changed or the national origin of an applicant's name.</b>
<b>Marital Status</b>	<b>None</b>	<b>Whether applicant is married, single, divorced, separated, engaged, widowed.</b>
<b>Citizenship</b>	<b>Documentation to establish applicant's identity and employment eligibility.</b>	<b>Birthplace of applicant or any information not relevant to making employment decision.</b>
<b>Age</b>	<b>None, except where age is a bona fide occupational qualification.</b>	<b>Requesting age on employment application, using phrases such as "young, boy, girl, recent college graduate" on help wanted notices or advertisements.</b>
<b>Sex</b>	<b>None, unless required for EEO reporting process on a form separate from the application, except where sex is a bona fide occupational qualification.</b>	<b>Applicant's sex or gender.</b>
<b>Family Status</b>	<b>Where applicant has responsibilities or commitments which prevent him/her from meeting work schedules if asked</b>	<b>Marital status, number and age of children, spouse's job.</b>

	<b>of all applicants regardless of sex.</b>	
<b>Pregnancy</b>	<b>Applicant's anticipated duration or stay on job if asked of all applicants.</b>	<b>Any inquiry into pregnancy, medical history or family plans.</b>
<b>Child Care</b>	<b>None, unless job related and asked of all applicants.</b>	<b>Inquiry into child care arrangements of only female applicants.</b>
<b>Height &amp; Weight</b>	<b>None, unless job related.</b>	<b>Any inquiry unrelated to job requirements.</b>
<b>Disability</b>	<b>Whether applicant can perform job in question.</b>	<b>To ask applicant to list his/her disabilities.</b>
<b>Organizations</b>	<b>Applicant's membership in professional organizations if job related.</b>	<b>All clubs, social fraternities, societies, lodges, or non-job-related organizations to which applicant belongs.</b>
<b>Relatives/Friends</b>	<b>Names of applicant's relatives already employed by your organization or a competitor but you may not give preference if women and minorities are underrepresented in your workforce.</b>	<b>Names of friends working for the company or relatives other than those working for the company.</b>
<b>Photographs</b>	<b>None except after hiring.</b>	<b>Photograph with application or after interview but prior to hiring.</b>

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